

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure, which goes to make up the device, must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only.

Claim 1 and 2 refer to "A System that Receives..., allows, displays....", indicating the intended use of such system without reciting the elements of the said system

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 2 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Both claims are purely an abstract idea and lack the necessary elements claimed as part of “the system” to appropriately constitute a machine or manufacture within the meaning of 101, and the clearly aren’t processes or compositions.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott

A. Stinebruner, US Patent No. 6,133,910 (hereinafter Stinebruner).

- Regarding claim 1, Steinbruner discloses the following as claimed:

A system (element 10, figure 1, and further as illustrated as figure 6) that receives in the television channels (elements 4,116,112, 114) but allows the user to reassign the order in which the channels are displayed (elements 125,124,122,126, and 128) into their own personally desired sequence (figure 2). (Figures 1,6, 5,and 7, also column 10, lines 1 through 32)

- Regarding Claim 2, Steinbruner discloses the following as claimed:

The system of claim 1 would also allow programming for multiple users (figure 8, elements 156,153,154), through use of a user identification code for each user (figure 10, elements 160,162), to set up their own alternative display order. (Figures 8,10, column 11, lines 36 through 59)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - i. LaJoie et al., "Inter-Active Program Guide with Default Selection Control", US Patent No. 5,850,218. Describes EPGs and how Service tables and channel tables can be used to map various (user selected) channel features/ layouts.

- ii. Harms et al., "TV Graphical User Interface Providing Selection Among Various Lists of TV Channels", US Patent 6,175,362. Describes TV channel line up along with a scroll bar indicating the sequence of channels. It provides a TV GUI that facilitate user access to various customized lists of TV Channels.
- iii. Wasilewski A.J., "Logical and Composite Channel Mapping in an MPEG Network", US Patent No. 6,215,530. Allowing the user to define/ customize various channel listings in logical and composite forms.
- iv. Levitan G., "Virtual Personal Channel in a Television System", US Patent No. 5,534,911. Describes an apparatus for providing a customer of a TV system with virtual personal channel which being selected delivers a TV program of the most personal interest no matter on which channel and what time the program is physically transmitted.
- v. Ehrmantraut M. et al., "The Personal Electronic Program Guide- Towards the Pre-Selection of Individual TV Programs", ACM, 1996.
- vi. Saito A. et al., "Smart Baton System: A Universal Remote Control System in Ubiquitous Computing Environment", IEEE, June 2003.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Marandi whose telephone number is (571) 270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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